

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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PETER EICHIE,

Plaintiff,

-against-

21 CIVIL 10712 (LJL)

JUDGMENT

KILOLO KUAKAZI, ACTING COMMISSIONER
OF SOCIAL SECURITY for the UNITED
STATES,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion and Order dated February 1, 2023, Defendant's motion to dismiss the Complaint for lack of subject matter jurisdiction and failure to state a claim is GRANTED. Because the Court has dismissed this action, it does not address Defendant's motion for summary judgment, which was submitted in the alternative. The Court finds that any amendment would be futile. See *McCarthy v. Dun & Bradstreet Corp.*, 482 F.3d 184, 200 (2d Cir. 2007) ("[I]t is within the sound discretion of the district court to grant or deny leave to amend. A district court has discretion to deny leave for good reason, including futility, bad faith, undue delay, or undue prejudice to the opposing party.") (internal citations omitted); *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000) (repleading would be futile when the "problem with [the pleader's] causes of action is substantive"); accordingly, the case is closed.

Dated: New York, New York

February 2, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. Mango

Deputy Clerk